

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13613 of Israel S. Krause, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to operate a parking lot in an R-4 District at the premises 1801 D Street, N.E., (Square 4560, Lot 152).

HEARING DATE: November 18, 1981
DECISION DATE: December 2, 1981

FINDINGS OF FACT:

1. The subject site is located at the southeast corner of the intersection of 18th and D Streets, and is known as premises 1801 D Street, N.E. It is in an R-4 District.
2. The Board, in BZA Order No. 12010 dated February 26, 76, granted to Master Liquors, Inc., approval to continue the subject parking lot for a period of five years. The lot has been in existence for some twenty years. No apparent adverse effect from the lot has resulted over that period of operation.
3. The subject applicant purchased the liquor store and, the building on which it is located, in 1978. He purchased the subject parking lot in late 1980. He testified that he was unaware that the certificate of occupancy had expired. He had received no notice and the certificate of occupancy was not among the papers he received when he purchased the lot.
4. The subject lot is used by the customers of the applicant's liquor store. The lot can accommodate ten cars and is rarely filled. The applicant, upon the request of the neighbors, allows them to park their cars, without charge, on the lot when the liquor store is closed at night and on Sundays. Neither of these uses of the lot results in significant traffic generation nor causes dangerous or objectionable traffic condition.
5. The hours of operation of the lot are from 10:00 A.M. to 9:00 P.M. It is unattended. It is never secured. Entrance and exit for the lot is on D Street. To the east of the lot is a sixteen feet wide public alley. To the south of the lot is a private dwelling.

6. One man is charged with cleaning the lot on a weekly basis and more frequently when needed. The person responsible for clean-up lives in the immediate neighborhood.

7. The applicant has never received any complaints about the maintenance and operation of the lot. He oversees the lot daily.

8. There are no signs on the lot.

9. A sewer line under the subject property makes it unfeasible to build upon the property.

10. The Department of Transportation, by memorandum dated August 28, 1981, reported that the site is used for customer parking for the liquor store located on the opposite side of D Street, across from the parking site. The DOT recommended that the parking lot be striped to delineate each nine foot by nineteen foot parking space and that wheel barriers be installed to prevent over-hang and encroachment onto public space. The Board concurs.

11. There was one letter of opposition to the application from an absentee landlord. It appears from said letter that the landlord believed that the application was to establish a parking lot, not for a continuance of an existing lot. The opposition feared that a parking lot might induce undesirable elements to use the lot. The applicant responded that he checks the lot often enough to preclude this type of activity. The Board so finds.

12. Advisory Neighborhood Commission 6A made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met his burden of proof. The subject lot is necessary and convenient for the use of the liquor store across the street. The lot create no dangerous or objectionable traffic condition and has not adversely affected the area. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:


- A. Approval shall be for a period of two years commencing from the date of the Final Order.

- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be located and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
- H. The lot shall be striped to clearly delineate each nine foot by nineteen foot parking space.

VOTE: 5-0 (Charles R. Norris, Walter B. Lewis, William F. McIntosh and Connie Fortune to grant, Douglas J. Patton to grant by proxy)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY - 6 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.